THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10614 of 2004

DATED: 15.09.2005

Between:

B.Nagabhushanam

...PETITONER

And:

APSRTC, reptd by its Managing

Director, Musheerabad, Hyderabad

and two others.

...RESPONDENTS

ORDER:

The petitioner claims to have joined the service of the respondent-Corporation as a driver in 1979. He was sent for periodical medical examination and was declared unfit on account of height and other medical defects as certified by the Medical Officer, A.P.S.E.B., Anantapur, in the certificate, dated 25.07.2003. He was placed on leave from 26.07.2003 and while so, he submitted an application, dated 23.08.2003, informing the Management that he is not willing to prefer any medical appeal (against the certificate of medical disability) nor is he interested in an alternative employment and therefore, he be permitted to retire on medical grounds. This application was made on 23.08.2003 and by the proceedings impugned in this writ petition, of

the third respondent, the petitioner's application was accepted and he was retired from service on medical grounds with effect from the date of the order.

In the writ petition, the petitioner claims that one Veeraswamy-a co-employee was requested by the petitioner to draft a letter for withdrawal of Provident Fund amounts, instead he drafted a letter of request seeking retirement on medical invalidation and a disinclination to seek alternative employment. It is alleged that the third respondent-Depot Manager, colluded with the said Veeraswamy to get the letter drafted from the petitioner in the form it was submitted.

All these issues cannot be gone into in the writ petition. It is not the petitioner's case that Veeraswamy was appointed or delegated functions by the A.P.S.R.T.C. to draft letters of resignation on behalf of employees whether under medical invalidation or otherwise. It is the petitioner who appears to have constituted Veeraswamy as his agent for drafting the letter dated 23.08.2003 and in the event, the letter drafted by Veeraswamy and signed by the petitioner would bind him. There is no escape from these consequences. The acceptance of the petitioner's letter seeking retirement on medical invalidation by the impugned order is, on the above analysis, impeccable and suffers from no infirmity warranting interference.

There are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

(GODA RAGHURAM, J)

15.09.2005

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